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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

JUN 04 1991

REPLY TO ATTENTION OF:

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gaspare Ruggirello  
Borg-Warner Corporation  
200 South Michigan Avenue  
Chicago, Illinois 60604

Re: Supplemental request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA for the Southeast Rockford Site in Rockford, Illinois hereinafter referred to as "the Site."

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants in the vicinity of the Southeast Rockford Site in Rockford, Illinois. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at or near the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9604(e), amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within ten (10) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by USEPA. Pursuant to Section 3008 of RCRA, USEPA may seek the imposition of penalties up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance; and Section 104(e)(5) of CERCLA, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by USEPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C.

Section 1001.

Enclosed is a copy of a report entitled "Environmental Due Diligence Evaluation of the Borg-Warner Driveline Property, Rockford, Illinois," dated October 1988. This report contains information to which we would like you to respond in your answers to this Information Request.

USEPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Your response to this Information Request should be mailed to:

Karen Vendl  
U.S. Environmental Protection Agency (5HS-11)  
230 South Dearborn Street  
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Ms. Elizabeth Doyle, Assistant Regional Counsel, at (312) 886-7951. If you have any other questions, please direct such questions to Ms. Vendl at (312) 886-4739.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, USEPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,

  
John Kelley, Acting Chief  
Remedial and Enforcement Response Branch

Enclosure

### Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to Respondent as of the date of submission of its response, should information later become known by or available to Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify the U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control, or in possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating

that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of Respondent at the Facility. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identifying the person to whom it was transferred, describe the circumstances surrounding each transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies

the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

#### Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term person as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The "Facility" shall mean and include the property commonly known as 2020 Harrison Avenue, Rockford, Illinois.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish," "describe," "identify" or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody or control of Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

9. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

10. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly

or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

11. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these

Information Requests any information which might otherwise be construed to be outside their scope.

12. The term "property interest" means any interest in property, including but without limitation, any ownership interest, any interest in the rental of property, any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.

13. The term "asset" as used herein, includes without limitation the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, account receivables, interest in insurance policies, interest in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.



REQUESTS

The Attachments to your December 8, 1990, 104(e) response indicate that Borg-Warner received permission from the Illinois Environmental Protection Agency to close a 8000 gallon tank (tank #5) in place. You supplied documentation on the removal of tanks #1, #2, #4 and #6 (which appear to be the tanks referred to in #1, #3 and #4 in your list of tanks removed on page 6 of your 104(e) response).

1. Provide any test results or analysis of the contents of your underground storage tanks, including but not limited to stoddard solvent and waste oil.
2. Did you receive permission to close in place the three tanks which have not been removed. If not, why have they not been removed.
3. Provide any and all written records describing the manner in which you removed your tanks.
4. You indicate that "[s]oil testing was conducted in conjunction with the tank removal and the chip pit," and that this testing "revealed some VOC contamination, the sources of [which] are unknown." For this and any other soil testing conducted at the facility, provide the following:
  - a. What was the nature and scope of such soil testing.
  - b. What contractor or other persons undertook this testing.
  - c. Was soil near all your underground storage tanks tested. If not, why was soil surrounding certain tanks tested, while soil surrounding other tanks was not.

- d. Provide all written records of any soil testing, including but not limited to any reports and conclusions reached regarding any contamination.
  - e. You reached the conclusion that there was "some VOC contamination" in the soil, but that its source was unknown. How did you reach this conclusion.
  - f. Was any investigation made to determine the source of any soil contamination. Provide all written records and reports regarding such contamination.
5. Was any soil testing done near the chip pit. If so, what are the results of that testing.
6. Did you ever dispose of any materials or hazardous substances at the facility. If so, describe in what manner you conducted such disposal.
7. What were Borg-Warner's disposal practices prior to the 1950s along the westerly side of the undeveloped northern tract of the Facility.
8. Did you ever dump or landfill any materials or hazardous substances at the facility.
9. What dumping or landfilling activity took place during the period 1958-1961 on the undeveloped land that lies directly east of the main Borg-Warner parking lot.

P 950 743 456

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

Gaspere Ruggirello  
Borg-Warner Corporation  
200 South Michigan Avenue  
Chicago, Illinois 60604

PC Form 3800 June 1985

Postage	1.13
Certified Fee	0.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 4.13
Postmark or Date	

STATIONER  
CHICAGO, ILL.  
JUN 5 1991

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  Gaspere Ruggirello Borg-Warner Corporation 200 South Michigan Avenue Chicago, Illinois 60604	4. Article Number <b>P950-743-456</b> Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> .
5. Signature — Addressee <b>X</b>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <b>X</b> <i>[Signature]</i>	
7. Date of Delivery <b>6-5-91</b>	